

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ARISTA RECORDS LLC; ATLANTIC RECORDING CORPORATION; BMG MUSIC; CAPITAL RECORDS, INC.; CAROLINE RECORDS, INC.; ELEKTRA ENTERTAINMENT GROUP, INC.; INTERSCOPE RECORDS; LAFACE RECORDS LLC; MAVERICK RECORDING COMPANY; SONY BMG MUSIC ENTERTAINMENT; UMG RECORDINGS, INC.; VIRGIN RECORDS AMERICA, INC.; WARNER BROS. RECORDS INC.; and ZOMBA RECORDING LLC,

Plaintiffs,

V.

USENET.COM, INC.,

Defendant.

No. 07-CIV-8822 (HB)

PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiffs Arista Records LLC *et al.* (“Plaintiffs”) hereby move for leave to file an Amended Complaint in order to add two closely related parties – the principal of named Defendant Usenet.com, Inc., Gerald Reynolds (“Reynolds”) and his company Sierra Corporate Design, Inc. (“Sierra”). A proposed Amended Complaint is annexed as Exhibit 1.

Importantly, the proposed amendment to the Complaint will not impact the schedule set forth by the Court in the Pretrial Scheduling Order. Plaintiffs do not seek to assert any new claims or theories of liability; the amended complaint adds the two parties who – along with Usenet.com, Inc. – are responsible for operating the online downloading service at issue in this case. Moreover, the addition of these parties will not result in any delay in the adjudication of

this case as Plaintiffs already have served third party subpoenas on both Reynolds and Sierra, and Defendant Usenet.com, Inc. already has produced discovery on behalf of Sierra.

In view of the foregoing, Plaintiffs respectfully submit that the proposed Amendment will not result in any possible prejudice to Defendants. Both Reynolds and Sierra have had notice of Plaintiffs' claims since the outset of this case and they cannot reasonably claim that they require additional time to prepare their defense, particularly since Defendant Usenet.com, Inc. has yet to conduct any discovery in this case. Indeed, the proposed amendment would be in the interest of judicial efficiency as it will permit all the closely related, commonly-owned and jointly responsible parties to be held liable in one suit and obviate the need for Plaintiffs to commence a separate action in this district against Reynolds and Sierra.

Respectfully submitted,

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DATED: August 14, 2008

CERTIFICATE OF SERVICE

This is to certify that the foregoing pleading was filed by means of the Court's ECF system on August 14, 2008. Accordingly, all counsel of record should receive a notice of this filing from the ECF system. Lead counsel, listed below, will also receive a courtesy copy via email.

s/ Gianni P. Servodidio
Gianni P. Servodidio

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